

"Final Amended Complaint"

Pro Se 14 (Rev. 10/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT
for the
NORTHERN DISTRICT OF ALABAMA

2022 FEB 18 PM 1:39

IVAN QUINTEL METCALF

Plaintiff

(Write your full name. No more than one plaintiff may be named in a complaint.)

-v-

NATHANIEL L. ODELL

BRANDON WILLIAMS

JEFF SPEARS

(Individual Capacity)

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all of the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here. Your complaint may be brought in this court only if one or more of the named defendants is located within this district.)

Case No.: 5:21-cv-1322-MHH-GMB
(to be filled in by the Clerk's Office)

"Final Amended Complaint"

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee of \$400.00 or an Application to Proceed *In Forma Pauperis*.

Mail the original complaint and the filing fee of \$400.00 or an Application to Proceed *In Forma Pauperis* to the Clerk of the United States District Court for the Northern District of Alabama, Room 140, Hugo L. Black U.S. Courthouse, 1729 5th Avenue North, Birmingham, Alabama 35203-2195.

I. The Parties to this Complaint

A. The Plaintiff

Provide the information below for the plaintiff named in the complaint.

Name Ivan Quintel Metcalf
All other names by which
you have been known Ivan Metcalf
ID Number 267734
Current Institution Kilby Correctional Facility
Address Mt. Meigs AL 36057
City State Zip Code

B. The Defendant

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Nathaniel Odell
Job or Title (*if known*) Lt, officer
Shield Number LT.
Employer North Alabama Work Center
Address Decatur AL 35601
City State Zip Code
☒ Individual Capacity ☐ Official Capacity

Defendant No. 2

Name Branden Williams
Job or Title (*if known*) Officer
Shield Number Sgt.
Employer Kilby Correctional Facility
Address Mt. Meigs AL 36057
City State Zip Code
☒ Individual Capacity ☐ Official Capacity

Defendant No. 3

Name Jeff Spears
Job or Title (if known) Officer
Shield Number C.O
Employer Kilby Correctional
Address Mt. Meigs AL 36057
City State Zip Code
☒ Individual Capacity ☐ Official Capacity

Defendant No. 4

Name _____
Job or Title (if known) _____
Shield Number _____
Employer _____
Address _____
City State Zip Code
☐ Individual Capacity ☐ Official Capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal law].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities, secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

violation of the 8th Amendment; "Excessive Use of Force"
Cruel and Unusual Punishment, ~~ess~~ "Excessive Use of force"

- C. Plaintiffs suing under *Bivens* may only recover for violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

NA

NA

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

NA

NA

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial Detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (*explain*): _____

IV. State of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

IVAN Q. METCALF,
Plaintiff,

CASE NO. 5:21-CV-1322-MHH-GMB

v,

NATHANIEL L. ODELL, et al.,
Defendant

"Final Amended Complaint"

Plaintiff Ivan Q. Metcalf is submitting his final amended complaint to this Honorable Court and shows as follow;

IV. State of Claim; A,B,C,D Violation of 8th Amendment

CRUEL AND UNUSUAL PUNISHMENT & EXCESSIVE USE OF FORCE

FACTS OF CASE;

On September 10, 2021 at North Alabama Work Center at the Frontgate Shakedown Shack, I arrived from work and received a routine strip search. During the strip search I was ordered by Lt Nathaniel Odell to take off all my clothes. Lt Nathaniel ordered me to raise my arms, open my mouth, turn around and bend over squat and cough. While I was bending over squatting and coughing, Lt Nathaniel Odell stuck his fingers inside my butt cheeks with no gloves. After Lt Nathaniel Odell sexually exploited me, He then reached inside his pocket and pull out his latex gloves and a latex wrapped object and stated "You had this inside your butt." He informed me to get dressed and put me in handcuffs. I reported this incident to the Medical Health Care at the North Alabama Work Center. The Medical Health Care placed me on suicide housing. I asked officer Brady and Officer Kelley to use the phone to call P.R.E.A, but Lt. Nathaniel Odell refused to allow me a phone call. I was transferred to Kilby Correctional facility for suicide safety cell.

On September 13, 2021, I was released from suicide safety housing at Kilby Correctional Facility. I informed Mental Health specialist Ms English of the sexual assault. I called P.R.E.A. several times, and I was treated for the sexual assault injuries at the Kilby Correctional facility Health Care the entire month of September and October 2021. I sent the medical records to this Honorable Court. I informed Officer Margaret R. Bentford of the sexual assault on September 23rd and 28th of 2021. I also wrote a statement for P.R.E.A. and reported the incident to the entire administration here at Kilby on request form and through medical and mental Health nothing was done. Lt. Nathaniel Odell tried to cover up the incident by writing disciplinarys stating that he indeed confiscated something out of my butt cheeks. I sent that to this Honorable Court.

2nd FACTS OF CASE

IV. State of 2nd Claim: A,B,C,D Violation of 8th Amendment

CRUEL AND UNUSUAL PUNISHMENT ; Excessive Use of force

On October 5, 2021 I was retaliated against and put inside a restrictive cell to cover up the sexual exploit by Lt. Nathaniel Odell. Medical stoped treating me for my injuries, - On October 19, 2021, I was retaliated against again for filing a complaint against Lt. Nathaniel Odell. Inwhich I was handcuffed inside of my cell and Officer Brandon Williams threw human feces in my face through the grilled gate of my cell door. Thereafter Officer Jeff Spears sprayed me in the face with pepper spray through the grilled gate of my cell door. I layed locked inside my cell handcuffed covered in human feces and burning from pepper spray for hours until Lt Banks escorted me to receive a body chart. I reported this incident to this administration and Mental Health Care. Nothing was done. I could not recieve treatment as a cover up for retaliation. Ephan Moore, and Diallo Kirkland witnessed this incident. I sent both Affidavits to this Honorable Court. I was later dianois with P.T.S.D, wherein I have trouble sleeping. Mental Health Specialist perscribed me Remron medication for treatment.

CERTIFICATE OF SERVICE

I hereby certify that I have placed a copy of this same in this U.S. institutional mail box prepaid on this 16th day of February 2022.

Ivan Metcalf
IVAN METCALF
Kilby, Corr. Fac
P.O. Box 150

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

North Alabama Work Center

See Attached "IV State of Claim"

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

North Alabama Work Center, September 10, 2021 at 5:00 pm

Kilby Correctional Facility October 19, 2021 10:00 am

- C. What date and approximate time did the events giving rise to your claim(s) occur?

North Alabama Work Center, September 10, 2021 at 5:00 pm

Kilby Correctional Facility October 19, 2021 at 10:00 am

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

- Lt Nathaniel Odell sexual assaulted me, "Camera footage"

- Officer Brandon Williams & Jeff Spears used Excessive force,

witnesses Ephraim Moore and Diallo Kirkland

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries in detail.

I was treated for anal injuries, My body was violated

My mental functions are injured, I can't sleep and have to be medicated

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I would like to be compensated for Mental Anguish: 1,000,000.00

My mental state has declined since these incidents and I keep re-living the same incidents and are deprived from sleeping and I have to be medicated for the rest of my life.

I would like to be compensated for punitive damages: 45,000.00 wherein my Biblical morals were deprived, Each defendant dehumanized me and stripped me from my humanity.

I am requesting Mental Anguish damages & Punitive damages for money damages.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes

☒ No

☐ Don't know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Don't know

If yes, which claims(s)?

both

"Request form grievance"

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☒ Yes

☐ No

E. If you did file a grievance:

1. Where did you file the grievance?

Kilby Correctional facility - Request forms

2. What did you claim in your grievance?

that I had been sexual assaulted, and retaliated against

3. What was the result, if any?

Nothing

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

⊕ This facility doesn't
have grievance process

I filed request forms to
inform this administration of each
incidents

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

This facility does not have grievance

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

Officer Margaret Bentford, stated "maybe he used two fingers" and put me in lock up. P.R.E.A and this administration did nothing

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies:

I did not receive any answers for my requests notifying this administration of both assaults

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had any cases dismissed based on grounds that it was frivolous, malicious, or failed to state a claim upon which relief may be granted?

☐ Yes

☒ No

If yes, state which court dismissed your case(s), when this occurred, and attach a copy of the order(s) if possible.

NA

NA

NA

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to "A" is "Yes," describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff(s) NA

Defendant(s) NA

2. Court (if federal court, name the district; if state court, name the county and State):

NA

3. Docket or index number:

NA

4. Name of Judge assigned to your case:

NA

5. Approximate date of filing lawsuit:

NA

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition: NA

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

NA

IX. Certification and Closing

Under Rule 11 of the Federal Rules of Civil Procedure, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an

improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Printed Name of Plaintiff: Ivan Quintel Metcalf
Prison Identification Number: 267734
Prison Address: Kilby Correctional facility
P.O. Box 150
Mt. Meigs AL 36057
City State Zip Code

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 2/16/22

Ivan Metcalf
Signature of Plaintiff